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Serial No.: 09/506,873
Docket No.: RCA 89,548
Examiner: J. Sheleheda
Reply Brief (24 pages)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences

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Applicant : Scott Edward Klopfenstein
Serial No. : 09/506,873
Filed : February 16, 2000
For : A SYSTEM FOR ACQUIRING AND PROCESSING
BROADCAST PROGRAMS, PROGRAM GUIDE AND
CHANNEL IDENTIFICATION DATA
Examiner : J. Sheleheda
Art Unit : 2614

REPLY BRIEF

May It Please The Honorable Board:

This is Appellant's Reply Brief in response to the Examiner's answer. No fee for filing this Reply Brief is believed due. Should a fee be due please charge this fee to Deposit Account No. 07-0832. Appellants waive an Oral Hearing for this appeal.

Please charge any additional fee or credit overpayment to the above-indicated Deposit Account. Enclosed is a single copy of the Brief.

I. REAL PARTY IN INTEREST

The real party in interest of Application Serial No. 10/339,681 is the Assignee of record:

Thomson Licensing S.A
46, Quai Alphonse Le Gallo
92648 Boulogne Cedex
FRANCE

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II. RELATED APPEALS AND INTERFERENCES

There are currently, and have been, no related Appeals or Interferences regarding Application Serial No. 09/506,873 known to the undersigned attorney.

III. STATUS OF THE CLAIMS

Claims 1-20 and 24 - 29 are rejected and the rejection of claims 1-20 and 24 - 29 are appealed.

IV. STATUS OF AMENDMENTS

All amendments were entered and are reflected in the claims included in Appendix 1.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1 discloses, in a video decoder (Fig. 1), a system for acquiring information comprising a program conveyed on one of a plurality of broadcast channels (page 4, line 10 - 15). The system identifies an individual broadcast channel of the plurality of broadcast channels in response to user entry of either of, (a) a first channel identification number and (b) a different second channel identification number (page 4, line 12 - 18). Thereafter, the system tunes to receive the identified individual broadcast channel (page 5, line 27 - 34). The step of tuning includes determining the identified broadcast channel as being either analog or digital (page 6, lines 19 - 21) and acquiring program guide information transmitted on said identified broadcast channel, wherein said program guide information is transmitted in the vertical blanking interval (VBI) of the identified broadcast channel when determined to be analog, and the program guide

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information is received from packetized program information of the identified broadcast channel when determined to be digital (page 6, lines 21 – 26). The tuning step further comprises acquiring the packetized program information comprising a program conveyed on the individual broadcast channel using the acquired program guide information (Figure 2, 120) and processing the packetized program information to be suitable for display (page 7 – 8 and Fig. 2).

Dependent claim 7 includes all the limitations contained in Independent claim 1 and further recites the second channel identification number is comprised of two elements, a major number and a minor number, and in the absence of user entry of said minor number a default minor number is used (page 11, lines 24 – 32).

Independent claim 12 discloses, in a video decoder, a system (Fig. 1) for acquiring packetized program information comprising a program conveyed on one of a plurality of broadcast channels (page 4, lines 29 – 36). The system includes the step of acquiring a first program guide containing information mapping a first broadcast channel number to a first different channel number, the acquired program guide being one of a plurality of different available program guides, and acquiring a second program guide, different from the first program guide, containing information mapping the second broadcast channel number to a second different channel number, the second acquired program being one of said plurality of different available program guides (page 12, line 36 – page 13, lines 21). Thereafter the system tunes to receive packetized program information transmitted on said first different channel in response to user entry of the first

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broadcast channel number using said acquired program guide (page 13, line 22 – 26). The system further acquires packetized program information comprising a program conveyed on the first different channel (page 13, line 21 – 26).

Dependent claim 15 includes all the limitations of claim 12 and further recites that the first broadcast channel number is comprised of two elements, a major number and a minor number, and in the absence of user entry of said minor number, a default minor number is used (page 11, lines 24 – 32).

Independent claim 24 discloses, in a video decoder, a system (Fig. 1 and Fig 9) for tuning to acquire packetized program information comprising a program conveyed on one of a plurality of broadcast channels identified by a physical transmission number corresponding to a virtual channel and a virtual channel identification number of the virtual channel including a major number associated with an information provider and a group of sub-channels and a minor number identifying a sub-channel from among said group of sub-channels (page 12, line 36 – page 13, line 21). The system comprises the step of navigating within a first list, including a plurality of broadcast channels, to identify and select a broadcast channel and an associated virtual channel identification number, in response to user activation of a first navigation control, wherein the physical transmission number corresponding to said virtual channel identified number is displayed with said virtual channel identification number (page 14, line 2 – 21). The system further provides for navigating within a second list of a group of sub-channels associated with said selected broadcast channel to identify and select a sub-channel and an associated minor number, in

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response to user activation of a second navigation control (page 14, line 22 – 32).

Thereafter, the system tunes to receive a selected broadcast channel using the selected virtual channel identification number and acquires packetized program information comprising a program conveyed on the broadcast sub-channel using the minor number (page 14, line 33 – page 15, line 5).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The Examiner has rejected claim 24 as being anticipated under 35 USC 102(e) by Schneidewend et al. (U.S. 6,249,420).

The Examiner has rejected claims 1 – 6 and 8 – 11 as being unpatentable under 35 USC 103(a) over Sugiyama et al. (U.S. 6,313,886) in view of Newberry et al. (U.S. 5,625,406).

The Examiner has rejected claims 12 – 14, 16 and 18 – 20 as being unpatentable under 35 USC 103(a) over Klosterman et al (U.S. 5,550,576) in view of Sugiyama et al. (U.S. 6,313,886).

The Examiner has rejected claim 7 as being unpatentable under 35 USC 103(a) over Sugiyama et al. (U.S. 6,313,886) and Newberry et al. (U.S. 5,625,406) as applied to claim 1 and further in view of Vancelette (5,894,320).

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The Examiner has rejected claim 15 as being unpatentable under 35 USC 103(a) over Sugiyama et al. (U.S. 6,313,886) and Klosterman et al. (U.S. 5,550,576) as applied to claim 12 and further in view of Vancelette (5,894,320).

The Examiner has rejected claims 25 - 29 as being unpatentable under 35 USC 103(a) over Schneidewend et al. (U.S. 6,249,320) in view of Alten et al. (US2002/0049973A1).

The Examiner has rejected claim 17 as being unpatentable under 35 USC 103(a) over Sugiyama et al. (U.S. 6,313,886) and Klosterman et al. (U.S. 5,550,576) as applied to claim 12 and further in view of Wugofski et al. (US2003/0056216).

VII. ARGUMENT

Schneidewend et al. when taken alone or in combination with Alten et al. and Sugiyama et al. when taken alone or in any combination with Klosterman et al., Newberry et al., Vancelette, or Wugofski et al. neither anticipates nor makes unpatentable the present claimed invention. Thus, reversal of the Final Rejection (hereinafter termed "rejection") of claims 1 - 20 and 24 - 29 under 35 U.S.C. §§ 102(e) and 103(a) is respectfully requested.

Overview of the Cited References

Schneidewend et al. discloses a video processing system and method whereby individual program channels are allocated first and second identification numbers. The first identification number is associated with an information provider. The second identification

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number is used in identifying a broadcast sub-channel from among a group of sub-channels associated with the first identification number. The first and second identification numbers in conjunction, are used in identifying data constituting a program transmitted on the broadcast sub-channel. The group of sub-channels are displayed along with the associated information provider in a hierarchical fashion for channel selection purposes.

Sugiyama et al. disclose methods and apparatuses for tuning television channels that transmit either PSIP Transport Streams or non-PSIP Transport Streams. Specifically, PSIP Transport Streams contain PSIP sections that include a major channel number and minor channel numbers, whereas non-PSIP Transport Streams do not contain such PSIP sections. However, both PSIP and non-PSIP Transport Streams contain PAT sections. Upon receiving a PSIP Transport Stream from a television channel, the present methods and apparatuses directly obtain the major channel number and minor channel numbers from the PSIP section contained in the PSIP Transport Stream. Upon receiving a non-PSIP Transport Stream from a television channel, the present methods and apparatuses form the major channel number and minor channel numbers based on the information contained in the PAT sections. In so doing, the methods and apparatuses can process both PSIP and non-PSIP Transport Streams.

Newberry et al. disclose analog and digital video signals which are each representative of a picture and may carry program guide information. A demultiplexer has the digital video signal as an input and the program guide information as an output. A demodulator has at least a luminance component of the analog video signal as an input and

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the program guide information as an output. A microprocessor, a video graphics adapter, the demultiplexer and the demodulator are interconnected by a data bus. Either of the program guide outputs is transferable to the video graphics adapter, which formats a graphics video signal representative of the program guide information. The graphics video signal and a selected one of the video signals are inputs to a multiplexer, which outputs a combined video signal representative of both the program guide information and the picture represented by the selected video signal.

Klosterman et al. provides a scheme for merging television schedule information received from multiple sources (26, 28, 30 and 34). In the preferred embodiment, a microprocessor (36) mixes and sorts the schedule information received from multiple source devices (26, 28, 30 or 34). The schedule information is then displayed in a television schedule guide (50). A user can select a program (60 or 62) by pointing to that program in the displayed schedule information (50). The system (10) then carries out an automatic switching/tuning such that the required source device (26, 28, 30 or 34) is input to the destination device (22), and a tuner is then tuned to the selected program's channel (52).

Vancelette discloses that a television viewer can select among a choice of available camera angles and audio feeds when viewing a sporting event such as a football game without changing the television channel. Audio, video and control data is transmitted in a packetized data stream with control data providing a pre-assigned channel designation (e.g., channel 10 for network X). A set-top terminal receives and processes the data stream

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according to user-provided commands. The terminal includes software which can be downloaded via the data stream or installed locally. The control data in the data stream is used to provide an on-screen graphical display on the television that allows the user to select the audio and video which correspond to certain areas of the football stadium, for example. Optionally, the viewer may select alternative story lines in a movie or similar program. A default setting provides primary audio and video signals. Alternative audio and video signals are selected by the user and mapped to the channel designator of the primary signal so that the different camera angles and audio feeds may be seen and heard. The viewer is therefore given the opportunity to customize the programming to enhance the entertainment or educational value.

Alten et al. disclose an electronic program schedule system which includes a receiver for receiving broadcast, satellite or cablecast television programs for a plurality of television channels and a tuner for tuning a television receiver to a selected one of the plurality of channels. A data processor receives and stores in a memory television program schedule information for a plurality of television programs to appear on the plurality of television channels. A user control apparatus, such as a remote controller, is utilized by a viewer to choose user control commands and transmit signals in response to the data processor which receives the signals in response to user control commands. A television receiver is used to display the television programs and television program schedule information. A video display generator receives video control commands from the data processor and program schedule information from the memory and displays a portion of the program schedule information in overlaying relationship with a television program

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appearing on a television channel in at least one mode of operation of the television programming guide. The data processor controls the video display generator with video control commands, issued in response to the user control commands, to display program schedule information for any chosen one of the plurality of television programs in overlaying relationship with at least one television program then appearing on any chosen one of the plurality of channels on the television receiver.

Wugofski et al. discloses a system for managing favorite channel lists on a television, personal computer or PC/TV convergence environment is disclosed. The favorite channel lists are dynamically created by a computerized system rather than manually created by a user who specifically identifies a set of channels to be included in the favorite channel list. In one embodiment of the invention, the computerized system generates a list of favorite channels based on a theme selected by the user. In another embodiment of the invention, the computerized system generates a list of favorite channels based on the channels most frequently viewed by the user.

Rejection of Claim 24 under 35 USC 102(e) over

Schneidewend et al. (U.S. 6,249,420).

Claim 24

Reversal of the rejection of claim 24 under 35 U.S.C. 102(e) as being unpatentable over Schneidewend et al. is respectfully requested. The rejection erroneously states that claim 24 is anticipated by Schneidewend et al. for the reasons discussed hereinbelow.

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Schneidenweld et al. specifically disclose displaying the major and minor identifiers along with the broadcaster in a list. The Examiner's Answer asserts, Schneidenweld et al. disclose displaying the physical transmission channel when the major number selected is that same as the RF channel. However, the present claimed invention recites the display of "the physical transmission number corresponding to said virtual channel identification number...with said virtual channel identification number" (Claim 24). The present claimed invention clearly recites **two separate displays**. The numbers within the two separate displays are irrelevant. The Examiner's Answer asserts that if the numbers of the virtual channel and the physical transmission are one and the same then this constitutes the display of both numbers. However, even if the number of the virtual channel and the physical transmission are the same, the present claimed invention still provides two separate displays to display the same number. However, Schneidenweld et al. would only suggest one display number for the major number and still omit any type of second display for the physical transmission number. Therefore, Schneidenweld et al. neither disclose nor suggest that "the physical transmission number corresponding to said virtual channel identified number is **displayed with** said virtual channel identification number" as claimed in claim 24 of the present invention.

In view of the above remarks, it is respectfully submitted that there is no 35 USC 112 enabling disclosure provided by Schneidenweld et al. that anticipates the present invention as claimed in claim 24 of the present invention. Therefore, it is respectfully submitted that this rejection has been satisfied and should be withdrawn.

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VIII CONCLUSION

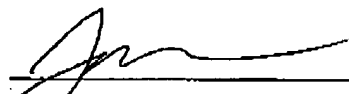
Schneidenweld et al. neither disclose nor suggest that "the physical transmission number corresponding to said virtual channel identified number is **displayed with** said virtual channel identification number" as claimed in claim 24 of the present invention.

Accordingly it is respectfully submitted that the rejection of Claim 24 should be reversed.

Respectfully submitted,

Scott Edward Klopfenstein.

By:


Joel M. Fogelson
Registration No. 43,613
(609) 734-6809

Patent Operations
Thomson Licensing Inc.
P.O. Box 5312
Princeton, NJ 08543-5312

August 9, 2005

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APPENDIX I - APPEALED CLAIMS

1. (Previously Presented) In a video decoder, a system for acquiring information comprising a program conveyed on one of a plurality of broadcast channels, comprising the steps of:

identifying an individual broadcast channel of said plurality of broadcast channels in response to user entry of either of, (a) a first channel identification number and (b) a different second channel identification number;

tuning to receive said identified individual broadcast channel
wherein said tuning process comprises the steps of:

determining said identified broadcast channel as being either
analog or digital;

acquiring program guide information transmitted on said identified broadcast channel, wherein said program guide information is transmitted in the vertical blanking interval (VBI) of said identified broadcast channel when determined to be analog, and said program guide information is received from packetized program information of said identified broadcast channel when determined to be digital;

acquiring said packetized program information comprising a program conveyed on said individual broadcast channel using said acquired program guide information; and

processing said packetized program information to be suitable for display.

2. (original) A system according to claim 1, wherein
said first channel identification number is a transmission channel
identification number, and
said second channel identification number is a virtual channel
identification number.

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3. (original) A system according to claim 2, including the step of displaying said second channel identification number together with said program, in response to entry of said first channel identification number.

4. (original) A system according to claim 1, wherein said second channel identification number is comprised of two elements, a major number and a minor number.

5. (original) A system according to claim 4, including the step of displaying said major number and minor number together with said program, in response to entry of said first channel identification number.

6. (original) A system according to claim 2, including the step of displaying said first channel identification number together with said program in response to entry of said second channel identification number.

7. (original) A system according to claim 1, wherein said second channel identification number is comprised of two elements, a major number and a minor number, and in absence of user entry of said minor number a default minor number is used.

8. (original) A system according to claim 1, wherein said second channel identification number comprises a major number and a minor number, wherein said major number is associated with both an information provider and a group of sub-channels, and said minor number identifies a sub-channel from among said group of sub-channels.

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9. (original) A system according to claim 8, wherein
said first channel identification number is a transmission channel
identification number. and
said tuning step includes tuning to receive a sub-channel comprising said
identified individual broadcast channel in response to user entry of said transmission
channel identification number and said minor number.

10. (original) A system according to claim 1, wherein
in said identifying step said individual broadcast channel is identified
using acquired program guide information.

11. (original) A system according to claim 1, including the step of
searching a database to identify an individual broadcast channel of
said plurality of broadcast channels in response to user entry of either of, said first
channel identification number and said different second channel identification number.

12. (Previously Presented) In a video decoder, a system for acquiring
packetized program information comprising a program conveyed on one of a
plurality of broadcast channels, comprising the steps of:

acquiring a first program guide containing information mapping a first
broadcast channel number to a first different channel number, said acquired program
guide being one of a plurality of different available program guides;

acquiring a second program guide, different from said first program
guide, containing information mapping said second broadcast channel number to a
second different channel number. said second acquired program being one of said
plurality of different available program guides,

tuning to receive packetized program information transmitted on said first
different channel in response to user entry of said first broadcast channel number using
said acquired program guide;

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acquiring packetized program information comprising a program conveyed on said first different channel.

13. (Previously Presented) A system according to claim 12, wherein said first broadcast channel number is a virtual channel identification number, and said first different channel number is a transmission channel identification number.

14. (original) A system according to claim 12, wherein said first broadcast channel number is comprised of two elements, a major number and a minor number.

15. (original) A system according to claim 12, wherein said first broadcast channel number is comprised of two elements, a major number and a minor number, and in absence of user entry of said minor number, a default minor number is used.

16. (original) A system according to claim 14, wherein said major number is associated with a broadcast information provider.

17. (Previously Presented) A system according to claim 12, including the step of selecting said second program guide and corresponding channel mapping information over said first program guide information when said first broadcast number and said second broadcast number are the same

18. (Previously Presented) A system according to claim 12, including the step of

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displaying at least one of, (a) said first broadcast channel number, and
(b) said first different channel number, together with said program, in response to user
entry of said first broadcast channel number.

19. (original) A system according to claim 18, wherein
said first broadcast channel number comprises a major number and
a minor number, wherein
said major number is associated with both an information provider
and a group of sub-channels, and
said minor number identifies a sub-channel from among said group
of sub-channels.

20. (Previously Presented) A system according to claim 12, wherein
said first broadcast channel number comprises a major number and
a minor number, wherein
said major number is associated with both an information provider
and a group of sub-channels, and
said minor number identifies a sub-channel from among said group
of sub-channels, and
said first different channel number is a transmission channel
identification number, and
said tuning step includes tuning to receive a sub-channel comprising
said second channel in response to user entry of said transmission channel
identification number and said minor number.

Claims 21-23 (cancelled)

24. (Previously Presented) In a video decoder, a system for tuning to
acquire packetized program information comprising a program conveyed on one of a
plurality of broadcast channels identified by a physical transmission number

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corresponding to a virtual channel and a virtual channel identification number of said virtual channel including a major number associated with an information provider and a group of sub-channels and a minor number identifying a sub-channel from among said group of sub-channels, comprising the steps of:

navigating within a first list, including a plurality of broadcast channels, to identify and select a broadcast channel and an associated virtual channel identification number, in response to user activation of a first navigation control, wherein the physical transmission number corresponding to said virtual channel identified number is displayed with said virtual channel identification number;

navigating within a second list of a group of sub-channels associated with said selected broadcast channel to identify and select a sub-channel and an associated minor number, in response to user activation of a second navigation control;

tuning to receive a selected broadcast channel using said selected virtual channel identification number; and

acquiring packetized program information comprising a program conveyed on said broadcast sub-channel using said minor number.

25. (original) A system according to claim 24, wherein
said first navigation control comprises a control for incrementally or decrementally traversing through numbered broadcast channels, and
said second navigation control comprises a control for incrementally or decrementally traversing through numbered sub-channels.

26. (original) A system according to claim 24, wherein
said first and second navigation controls use the same user activated remote control unit button.

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27. (original) A system according to claim 24, wherein
said first and second navigation controls use different user activated
remote control unit buttons.

28. (original) A system according to claim 24, wherein
said first navigation control comprises a control for incrementally or
decrementally traversing through a displayed menu listing numbered broadcast channels,
and

said second navigation control comprises a control for incrementally or
decrementally traversing through a displayed menu listing numbered sub-channels.

29. (original) A system according to claim 24, including the steps of
generating a displayed menu listing numbered broadcast channels
incrementally or decrementally traversed in response to said first navigation control, and
generating a displayed menu listing numbered sub-channels incrementally or decrementally
traversed in response to said second navigation control.

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APPENDIX II - EVIDENCE

Applicant relies on no other evidence aside from the arguments presented above in
this Appeal Brief

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APPENDIX III - RELATED PROCEEDINGS

Applicant is unaware of any other related proceedings in this case.

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APPENDIX IV - TABLE OF CASES

1. *In re Fine*, 5 USPQ 2d 1600, (Fed Cir. 1988)
2. *ACS Hospital Systems Inc v. Montefiore Hospital*, 221 USPQ 929,933
(Fed. Cir. 1984)
3. *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (CCPA 1966)
4. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438
(Fed.Cir. 1988), *cert. denied*, 488 U.S. 825 (1988)
5. *Ashland Oil Inc. v. Delta Resins & Refractories, Inc.*, 776 F.2d 28, 293, 227 USPQ
657, 664 (Fed.Cir. 1985), *cert. denied*, 475 U.S. 1017 (1986)

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APPENDIX V - LIST OF REFERENCES

<u>U.S. Pat. No.</u>	<u>Issued Date</u>	<u>102(e) Date</u>	<u>Inventors</u>
6,249,320	June 19, 2001		Soneidewend et al.
6,313,886	November 6, 2001		Sugiyama
5,625,406	April 29, 1997		Newberry et al.
5,894,320	April 13, 1999		Vancelette
5,550,576	August 27, 1996		Klosterman

<u>U.S. Pat. Pub No.</u>	<u>Publication Date</u>	<u>102(e) Date</u>	<u>Inventors</u>
2002/0049973A1	March 20, 2003		Alten et al.

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